

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 07-cr-114-01-PB

Andrew Innes

O R D E R

On August 8, 2012, defendant appeared for a probable cause hearing under Fed. R. Crim. P. 32.1 on one alleged violation of conditions of supervision, as charged in the government's petition dated August 7, 2012 (doc. no. 45). Defendant is on release from his conviction in 2008 on five counts of distribution of cocaine base "crack," in violation of 21 U.S.C. 841(a)(1).

Defendant stipulated to probable cause on the violation. I therefore find probable cause that defendant has violated the condition as charged in the petition.

Defendant sought bail conditions under Rule 32.1(a)(6). The government sought detention. Under Rule 32.1(a)(6), defendant bears the burden of establishing by clear and convincing evidence that he will not flee and that he poses no danger to any other person or to the community. At the hearing, the court summarized its findings orally from the bench. Those oral findings are incorporated herein. Based on the evidence presented at today's hearing, and for the reasons stated on the

record, defendant has failed to meet his burden of persuading the court that he poses no danger to any other person or to the community.

In sum, the court finds that defendant did not meet his burden to show by clear and convincing evidence that his release, even on strict conditions, would pose no danger to any other person or the community. Accordingly, it is **ORDERED** that the defendant be detained pending a final revocation hearing.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED.



Landya B. McCafferty
United States Magistrate Judge

August 9, 2012

cc: Robert J. Veiga, Esq.
Matthew G. Stachowski, Esq.
U.S. Marshal
U.S. Probation